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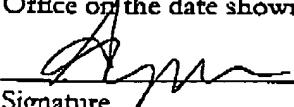
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Serial No.:	09/248,736
Filed:	February 11, 1999
Group Art Unit:	2177
Title:	CREATION OF CUSTOMIZED TREES
Our Ref. No.:	ST9-98-029

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Confirmation No.: 9147  
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Applicant:	Terry Michael Bleizeffer et al.	Examiner:	Khanh B. Pham
Serial No.:	09/248,736	Group Art Unit:	2177
Filed:	February 11, 1999	Docket:	ST9-98-029
Title:	CREATION OF CUSTOMIZED TREES		

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JSF/sjm

Due Date: September 15, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: )

Inventor: Terry Michael Bleizeffer et al. )

Serial #: 09/248,736 )

Filed: February 11, 1999 )

Title: CREATION OF CUSTOMIZED TREES )

Examiner: Pham, Khanh B.

Group Art Unit: 2177

Appeal No.: \_\_\_\_\_

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**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents  
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Dear Sir:

In accordance with 37 C.F.R. § 41.41, Appellants hereby submit their Reply Brief on Appeal from the final rejection of claims 1, 3-22, 24-43, 45-63 and 64-77 the above-identified application, as set forth in the Office Action mailed February 12, 2004.

No fee is required for filing this Reply Brief. However, the Office is authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 09-0460 of IBM Corporation, the assignee of the present invention.

**I. ARGUMENTS****A. The Rejection under 35 U.S.C. § 112 Should be Reversed**

In response to the prior arguments regarding the saving of the filter and the specified selection criteria, the Answer acknowledges that the specification provides for retaining the selection criteria in the computer's temporary memory (i.e., RAM) (see page 11 of Answer). However, the Answer asserts that such retention is not "saving" as defined by the dictionary. Webster's dictionary

is then recited as meaning the transfer of data from the computer's random-access memory (RAM) to a storage medium such as a disk drive.

Appellants respectfully disagree. The specification of the present invention clearly provides the ability to "create" a filter. Further, a previously created "filter" may be retrieved (i.e., through the change folder window illustrated in FIG. 17). The selection of the "OK" button locks in the filter values thereby changing the folders in the customized tree.

Appellants also note that the previous figures (e.g., FIG. 14) illustrate how a previous customized tree may be loaded/opened. Thereafter, with reference to FIG. 17, the user can select the change folders option that again "reflects the selections previously made". If the filter was not saved, then the previously made selections could not be reflected for a folder in a tree that was recently loaded/opened. Accordingly, Appellants submit that the filter has been "created" and "saved".

**B. The Cotugno Reference is Invalid**

In response to earlier arguments with respect to the validity of the Cotugno reference, the Answer provides that the present application does not qualify for the priority date of the provisional application and therefore, Cotugno is a valid reference.

As stated above, Appellants respectfully disagree. Appellants assert that 112 support clearly exists in the present specification. Further, such 112 support is also found in the provisional application. Accordingly, the presently claimed invention is entitled to the priority date of the provisional application and Cotugno is not valid prior art.

**C. Claims 1, 3-4, 6-9, 11-16, 18-21, 22, 24-25, 27-30, 32-37, 39-42, 43, 45-46, 48-51, 53-58, and 60-63 are Patentable over the Cited Art**

In response to the prior arguments, the Answer asserts that Robinson teaches a filter relying on FIG. 18B, and FIG. 8. However, Appellants respectfully disagree. Specifically, the present invention creates a filter – an entity that specifies selection criteria to select objects to be contained within a selected object on the customized tree. Further, regardless of whether the filter is saved or stored in temporary RAM, the filter may be retrieved and used for later selections. In this regard,

the claims provide for saving the filter and the specified selection criteria. Robinson fails to teach any capability for such a filter. Instead, Robinson merely "filters" records. In this regard, contrary to the assertion in the Answer, merely because something acts as a filter does not mean that a filter or filter entity has been created, saved, or stored.

The Answer further asserts that Robinson's market category selection to produce a categorization table is equivalent to the filter that specifies selection criteria for an object to be contained "within a selected object on a customized tree". Such market categories are not even remotely equivalent to such objects, customized tree, or an object to be contained within another selected object (as claimed).

The Answer then asserts that Robinson's query 130 is equivalent to the filter. The "arrow 130" reflects a query that is made to the database so that a portion of all the PART records are retrieved in order to build the selection categorization table 126a (see col. 10, lines 54-59). Thus, as per Robinson, the query merely reflects a selected category level value. In this regard, and contrary to that claimed, Robinson fails to create and save/store a filter that specifies selection criteria to select object to be contained within a selected object on a customized tree. Robinson's query is not a filter, Robinson's category level value is not selecting objects to be contained within a selected object on a customized tree, and Robinson's query is not created or saved as required in the claims.

The Answer again asserts that Cotugno was relied upon for teaching the saving of a filter. Appellants reassert that there is not motivation to combine the references. In response to prior arguments, the Answer asserts that "saving data is the foundation of computer art" and that "adding the saving step to any data structure is an obvious modification to store that data permanently so that it could be retrieved and reused later". Firstly, Appellants traverse such a statement. Saving data may be useful in various situations in computer applications. However, saving a filter and selection criteria as claimed is not obvious. Further, merely stating that it is useful to save data does not provide a motivation to combine the references. In addition, if such data storage is obvious (per the Examiner's assertion), then the 112 rejection is without merit since one of ordinary skill in the art would be able to implement the claimed invention. Nonetheless, Appellants assert that the storage of the filter and selection criteria is not obvious, Cotugno is in a wholly different field than that of

Robinson, and neither Robinson, Cotugno, or knowledge generally available in the art would suggest combining Cotugno with Robinson.

Appellants also respectfully disagree with the Answer's assertion that Cotugno teaches the step of creating a filter that "specifies selection criteria to select objects to be contained within a selected object on the customized tree". The Answer relies on col. 47, lines 60-67. However, the filter in Cotugno does not provide for an object to be contained within a selected object on a customized tree. Instead, items are merely selected to be placed in a flat list without any structure. In other words, there is not object within another object. Further, there is no tree structure in Cotugno as required by the claims. Accordingly, Cotugno fails to teach the step as asserted and fails to cure the deficiencies of Robinson.

In view of the above, Appellants respectfully request reversal of all of the rejections.

D. Claims 5, 26, and 47 are Patentable over the Cited Art

These claims provide for various specific limitations. Specifically, the claim addresses objects that are selected by a filter. Secondly, if those objects change, the customized tree is automatically updated to reflect the changed objects. In responding to the prior arguments, the Answer asserts that such claim elements are taught by Robinson updating a categorization table in an index value is not duplicate information (relying on Fig. 6).

However, such an assertion is completely without merit and misinterprets Fig. 6. Col. 9, lines 14-38 describes Fig. 6 and the steps relied upon in the Answer:

A table vector is accessed at step 106 and tested for its validity at step 108. There will be one table vector for each record to be organized in the categorization table, and each table vector will contain an index value, typically an integer, for each category level defined in the categorization table. Essentially, each table vector is processed by traversing through each value therein to determine whether it needs to be used as a heading or subheading. Because there are many duplicate values, only the first value need be used in the actual categorization tables and the rest are duplicates and may simply be passed over. It may be noted that the values spoken of in the vectors are integers and are used for quick comparisons when the actual string value is needed for creation of a categorization table heading or subheading, the vector will be used to index into the table data to locate the corresponding string data value.

If the table vector is invalid (e.g., there are no more table vectors to process), then the processing will end at step 110. Otherwise, an ordering counter would be initialized at step 112 and a category level attained at step 114. The validity of the category level is tested at step 116 with an invalid state typically signifying that there are no more category levels to process for a particular table vector thereby requiring a loop back to step 106 in order to acquire a new table vector.

As can be seen, the steps of Fig. 6 merely determine if a table vector is valid and if there are duplicate values. There is no suggestion, indication, assumption, or description, implicit or explicit, of an object changing, a table vector changing, or updating a categorization table when an object or table vector changes. Accordingly, contrary to that asserted in the Answer, an object is not changed at all. Thus, Appellants respectfully request reversal of these rejections.

E. Claims 10, 31, and 52 are Patentable over the Cited Art

Appellants asserted in the Appeal Brief that Robinson failed to teach copying an object from one position (in the customized tree) to another position (in the customized tree). Appellants noted that nowhere in the text of Robinson was there any mention of the term "copy" or a description of such a command. In response, the Answer relies on Figs. 20-21

Webster's Revised Unabridged Dictionary (1996, 1998) defines "copy" as "1. To make a copy or copies; to imitate. 2. To yield a duplicate or transcript; as, the letter did not copy well." In this regard, the claims provide for copying an object from a first position to a second position. In other words, a copy of the object is put in the second position. Robinson's Figs. 20-21 merely illustrate that when a categorization hierarchy level is changed, the change is reflected in the retrieval categorization table (see col. 11, lines 23-49). In this regard, the objects in the retrieval categorization table are not copied as claimed. Instead, they are merely rearranged/reoriented. As illustrated in Figs. 20-21 when the demo part key pecking order is moved from the bottom to the top, the order of the items in the source parts and manas in-box are merely changed. Such parts are not copied as claimed.

In view of the above, Appellants respectfully request reversal of the rejections.

F. Claims 17, 38, and 59 are Patentable over the Cited Art

As previously indicated, these claims provide for labels on the objects in the customized tree that indicate that a filter exists for that object. In responding to prior arguments, the Answer relies upon Fig. 7 and Fig. 8. Fig. 7 merely illustrates record categorization levels where the orientation has been changed. In this regard, Fig. 7 does not illustrate particularly selected categorization levels. Instead, it illustrates all of the levels available (see col. 10, lines 1-13). Item 124c of Fig. 8 illustrates

the same record categorization levels in an expanded mode showing the objects under both market and medium:

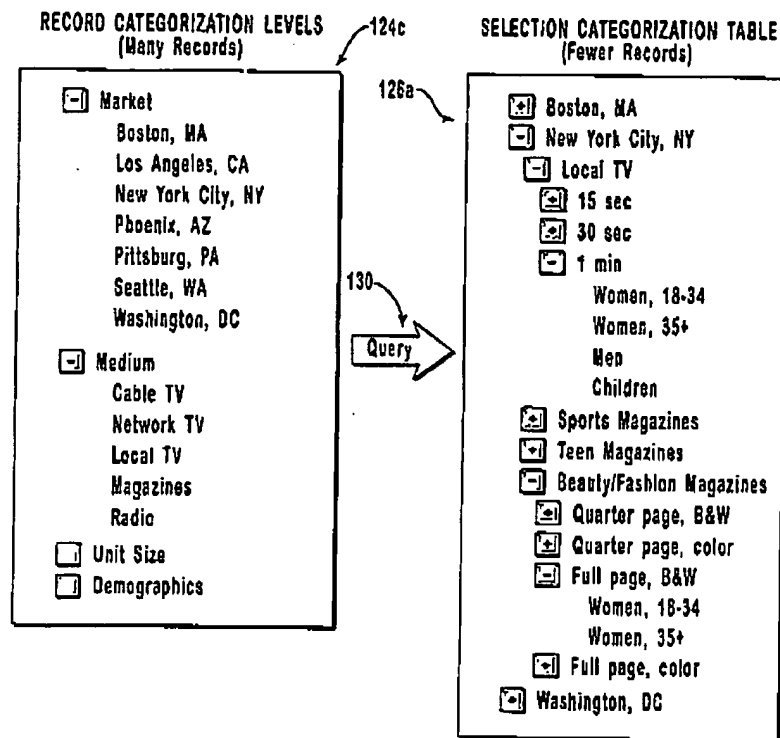


FIG. 8

Item 124c (of Fig. 8) also indicates that items market and medium have been selected (by the dashed boxes) (see col. 10, lines 50-53). As described in the text, once the market and medium categories are selected in 124c, the selection categorization table 126a reflects the selection (see col. 10, lines 61-66). Based on the arguments in the Answer (and the text of Robinson), the only possible filter occurs with the query 130 of Fig. 8 and the selection categorization table 126a is alleged to be equivalent to the customized tree of the invention. However, examining 126a of Fig. 8, the categorization levels market and medium are not displayed at all. Instead, the selected records are merely displayed. Further, there is no indication, implicit or explicit, that a filter or query has been applied (on the labels of the records) in item 126a. The claims specifically provide that the labels indicate the presence of a filter in the customized tree. The select categorization table 126a of



Fig. 8 does not even remotely indicate such a presence. Accordingly, the rejection of these dependent claims should be reversed.

## II. CONCLUSION


In light of the above arguments, Appellants respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellants' claims recite novel physical features, which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

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Date: September 15, 2004

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G&C 30571.285-US-U1

## APPENDIX

1. A method of creating a customized tree in a computer from an original tree containing objects from a data storage device connected to the computer, the method comprising:  
creating a filter in response to user input, wherein the filter specifies a selection criteria to select objects to be contained within a selected object on the customized tree;  
saving the filter and the specified selection criteria;  
selecting one or more objects on the original tree to be contained in the customized tree in response to user input by applying the filter, wherein the one or more objects are located in disparate places across different branches of the original tree;  
linking the selected objects from the disparate places to each other in the customized tree in a user-specified manner; and  
defining security restrictions for accessing the selected objects using the customized tree.
2. (CANCELED)
3. The method of claim 1, wherein the step of applying the filter further comprises the step of selecting objects from multiple parent objects.
4. The method of claim 3, wherein the multiple parent objects are contained on multiple platforms.
5. The method of claim 1, wherein if the objects to be selected by the filter change, the customized tree is automatically updated to reflect the changed objects.
6. The method of claim 1, further comprising the step of modifying the customized tree.
7. The method of claim 6, wherein the step of modifying further comprises the step of adding an object to the customized tree.

8. The method of claim 6, wherein the step of modifying further comprises the step of removing an object of the customized tree.
9. The method of claim 6, wherein the step of modifying further comprises the step of copying an object into the customized tree.
10. The method of claim 6, wherein the step of modifying further comprises the step of copying an object from a first position in the customized tree to a second position in the customized tree.
11. The method of claim 6, wherein the step of modifying further comprises the step of removing the customized tree.
12. The method of claim 6, wherein the step of modifying further comprises the step of changing an object.
13. The method of claim 1, further comprising the step of using the customized tree to simultaneously perform an action on multiple objects contained in the customized tree.
14. The method of claim 1, further comprising the step of restricting access to the customized tree.
15. The method of claim 1, further comprising the step of enabling customization of labels for objects in the customized tree.
16. The method of claim 15, wherein each label distinguishes between different objects of a similar type.
17. The method of claim 15, wherein each label is an indicator of a filter.

18. The method of claim 1, further comprising the step of providing graphical user interfaces for creating the customized tree and wherein the user input is received from one or more graphical user interfaces.

19. The method of claim 1, wherein the customized tree contains a subset of the objects of the original tree.

20. The method of claim 1, wherein the objects of the customized tree are organized in a user-specified manner.

21. The method of claim 1, further comprising the step of creating multiple customized trees.

22. An apparatus for creating a customized tree in a computer, the apparatus comprising: a computer having a data storage device connected thereto, wherein the data storage device stores objects contained in an original tree; and

one or more computer programs for creating a filter in response to user input, wherein the filter specifies a selection criteria to select objects to be contained within a selected object on the customized tree, saving the filter and the specified selection criteria, selecting the object on the original tree to be contained in the customized tree in response to user input by applying the filter, wherein the one or more objects are located in disparate places across different branches of the original tree, linking the selected objects from the disparate places to each other in the customized tree in a user-specified manner, and defining security restrictions for accessing the selected objects using the customized tree.

23. (CANCELED)

24. The apparatus of claim 22, wherein the means for applying the filter further comprises the means for selecting objects from multiple parent objects.

25. The apparatus of claim 24, wherein the multiple parent objects are contained on multiple platforms.
26. The apparatus of claim 22, wherein if the objects to be selected by the filter change, the customized tree is automatically updated to reflect the changed objects.
27. The apparatus of claim 22, further comprising means for modifying the customized tree.
28. The apparatus of claim 27, wherein the means for modifying further comprises means for adding an object to the customized tree.
29. The apparatus of claim 27, wherein the means for modifying further comprises means for removing an object of the customized tree.
30. The apparatus of claim 27, wherein the means for modifying further comprises means for copying an object into the customized tree.
31. The apparatus of claim 27, wherein the means for modifying further comprises means for copying an object from a first position in the customized tree to a second position in the customized tree.
32. The apparatus of claim 27, wherein the means for modifying further comprises means for removing the customized tree.
33. The apparatus of claim 27, wherein the means for modifying further comprises means for changing an object.
34. The apparatus of claim 22, further comprising means for using the customized tree to simultaneously perform an action on multiple objects contained in the customized tree.

35. The apparatus of claim 22, further comprising means for restricting access to the customized tree.

36. The apparatus of claim 22, further comprising means for enabling customization of labels for objects in the customized tree.

37. The apparatus of claim 36, wherein each label distinguishes between different objects of a similar type.

38. The apparatus of claim 36, wherein each label is an indicator of a filter.

39. The apparatus of claim 22, further comprising means for providing graphical user interfaces for creating the customized tree and wherein the user input is received from one or more graphical user interfaces.

40. The apparatus of claim 22, wherein the customized tree contains a subset of the objects of the original tree.

41. The apparatus of claim 22, wherein the objects of the customized tree are organized in a user-specified manner.

42. The apparatus of claim 22, further comprising means for creating multiple customized trees.

43. An article of manufacture comprising a computer program carrier readable by a computer and embodying one or more instructions executable by the computer to perform method steps for creating a customized tree from an original tree containing objects from a data storage device connected to the computer, the method comprising the steps of:

creating a filter in response to user input, wherein the filter specifies a selection criteria to select objects to be contained within a selected object on the customized tree;

saving the filter and the specified selection criteria;

selecting one or more objects on the original tree to be contained in the customized tree in response to user input by applying the filter, wherein the one or more objects are located in disparate places across different branches of the original tree;

linking the selected objects from the disparate places to each other in the customized tree in a user-specified manner, and

defining security restrictions for accessing the objects using the customized tree.

44. (CANCELED)

45. The article of manufacture of claim 43, wherein the step of applying the filter further comprises the step of selecting objects from multiple parent objects.

46. The article of manufacture of claim 45, wherein the multiple parent objects are contained on multiple platforms.

47. The article of manufacture of claim 43, wherein if the objects to be selected by the filter change, the customized tree is automatically updated to reflect the changed objects.

48. The article of manufacture of claim 43, further comprising the step of modifying the customized tree.

49. The article of manufacture of claim 48, wherein the step of modifying further comprises the step of adding an object to the customized tree.

50. The article of manufacture of claim 48, wherein the step of modifying further comprises the step of removing an object of the customized tree.

51. The article of manufacture of claim 48, wherein the step of modifying further comprises the step of copying an object into the customized tree.

52. The article of manufacture of claim 48, wherein the step of modifying further comprises the step of copying an object from a first position in the customized tree to a second position in the customized tree.

53. The article of manufacture of claim 48, wherein the step of modifying further comprises the step of removing the customized tree.

54. The article of manufacture of claim 48, wherein the step of modifying further comprises the step of changing an object.

55. The article of manufacture of claim 43, further comprising the step of using the customized tree to simultaneously perform an action on multiple objects contained in the customized tree.

56. The article of manufacture of claim 43, further comprising the step of restricting access to the customized tree.

57. The article of manufacture of claim 43, further comprising the step of enabling customization of labels for objects in the customized tree.

58. The article of manufacture of claim 57, wherein each label distinguishes between different objects of a similar type.

59. The article of manufacture of claim 57, wherein each label is an indicator of a filter.

60. The article of manufacture of claim 43, further comprising the step of providing graphical user interfaces for creating the customized tree and wherein the user input is received from one or more graphical user interfaces.

61. The article of manufacture of claim 43, wherein the customized tree contains a subset of the objects of the original tree.



62. The article of manufacture of claim 43, wherein the objects of the customized tree are organized in a user-specified manner.

63. The article of manufacture of claim 43, further comprising the step of creating multiple customized trees.

64. A method of creating a customized tree in a computer from an original tree containing objects from a data storage device connected to the computer, the method comprising:  
selecting one or more objects on the original tree to be contained in the customized tree in response to user input;

creating a filter for the selected object in response to user input, wherein the filter comprises user specified filter criteria, a user specified comparator operator, and a user-specified comparison value, wherein the user-specified comparator operator specifies how the user-specified filter criteria is compared with the user-specified comparison value, to determine objects to be contained within the selected object on the customized tree;

applying the filter to create the customized tree with the selected object and the objects to be contained within the selected object; and

linking the selected objects in a user-specified manner.

65. The method of claim 64, wherein the step of applying the filter further comprises selecting objects from multiple parent objects.

66. The method of claim 64, wherein if the objects to be selected by the filter change, the customized tree is automatically updated to reflect the changed objects.

67. The method of claim 64, further comprising modifying the customized tree.

68. The method of claim 67, wherein the modifying comprises adding an object to the customized tree.

69. The method of claim 67, wherein the modifying comprises removing an object of the customized tree.

70. The method of claim 67, wherein the modifying comprises copying an object into the customized tree.

71. The method of claim 67, wherein the modifying comprises copying an object from a first position in the customized tree to a second position in the customized tree.

72. The method of claim 67, wherein the modifying comprises removing the customized tree.

73. The method of claim 67, wherein the modifying comprises changing an object.

74. The method of claim 64, further comprising using the customized tree to simultaneously perform an action on multiple objects contained in the customized tree.

75. The method of claim 64, further comprising restricting access to the customized tree.

76. The method of claim 64, further comprising enabling customization of labels for objects in the customized tree.

77. The method of claim 64, further comprising providing graphical user interfaces for creating the customized tree and wherein the user input is received from one or more graphical user interfaces.

78. An apparatus for creating a customized tree in a computer, the apparatus comprising: a computer having a data storage device connected thereto, wherein the data storage device stores objects contained in an original tree;

one or more computer programs, executed by the computer, for selecting an object on the original tree to be contained in the customized tree in response to user input;

one or more computer programs, executed by the computer, for creating a filter for the selected object in response to user input, wherein the filter comprises user specified filter criteria, a user specified comparator operator, and a user-specified comparison value, wherein the user-specified comparator operator specifies how the user-specified filter criteria is compared with the user-specified comparison value, to determine objects to be contained within the selected object on the customized tree;

one or more computer programs, executed by the computer, for applying the filter to create the customized tree with the selected object and the objects to be contained within the selected object; and

one or more computer programs, executed by the computer, for linking the selected objects in a user-specified manner;

79. The apparatus of claim 78, wherein the one or more computer programs for applying the filter are configured to select the objects from multiple parent objects.

80. The apparatus of claim 78, wherein if the objects to be selected by the filter change, the customized tree is automatically updated to reflect the changed objects.

81. The apparatus of claim 78, further comprising one or more computer programs for modifying the customized tree.

82. The apparatus of claim 81, wherein the one or more computer programs for modifying are configured to add an object to the customized tree.

83. The apparatus of claim 81, wherein the one or more computer programs for modifying are configured to remove an object of the customized tree.

84. The apparatus of claim 81, wherein the one or more computer programs for modifying are configured to copy an object into the customized tree.

85. The apparatus of claim 81, wherein the one or more computer programs for modifying are configured to copy an object from a first position in the customized tree to a second position in the customized tree.

86. The apparatus of claim 81, wherein one or more computer programs for modifying are configured to remove the customized tree.

87. The apparatus of claim 81, wherein one or more computer programs for modifying are configured to change an object.

88. The apparatus of claim 78, further comprising one or more computer programs for using the customized tree to simultaneously perform an action on multiple objects contained in the customized tree.

89. The apparatus of claim 78, further comprising one or more computer programs for restricting access to the customized tree.

90. The apparatus of claim 78, further comprising one or more computer programs for enabling customization of labels for objects in the customized tree.

91. The apparatus of claim 78, further comprising one or more computer programs for providing graphical user interfaces for creating the customized tree and wherein the user input is received from one or more graphical user interfaces.

92. An article of manufacture comprising a computer program carrier readable by a computer and embodying one or more instructions executable by the computer to perform a method for creating a customized tree from an original tree containing objects from a data storage device connected to the computer, the method comprising:

selecting one or more objects on the original tree to be contained in the customized tree in response to user input;

creating a filter for the selected object in response to user input, wherein the filter comprises user specified filter criteria, a user specified comparator operator, and a user-specified comparison value, wherein the user-specified comparator operator specifies how the user-specified filter criteria is compared with the user-specified comparison value, to determine objects to be contained within the selected object on the customized tree;

applying the filter to create the customized tree with the selected object and the objects to be contained within the selected object; and

linking the selected objects in a user-specified manner.

93. The article of manufacture of claim 92, wherein applying the filter comprises selecting objects from multiple parent objects.

94. The article of manufacture of claim 92, wherein if the objects to be selected by the filter change, the customized tree is automatically updated to reflect the changed objects.

95. The article of manufacture of claim 92, wherein the method further comprises modifying the customized tree.

96. The article of manufacture of claim 95, wherein the modifying comprises adding an object to the customized tree.

97. The article of manufacture of claim 95, wherein the modifying comprises removing an object of the customized tree.

98. The article of manufacture of claim 95, wherein the modifying comprises copying an object into the customized tree.

99. The article of manufacture of claim 95, wherein the modifying comprises copying an object from a first position in the customized tree to a second position in the customized tree.

100. The article of manufacture of claim 95, wherein the modifying comprises removing the customized tree.

101. The article of manufacture of claim 95, wherein the modifying comprises changing an object.

102. The article of manufacture of claim 92, wherein the method further comprises using the customized tree to simultaneously perform an action on multiple objects contained in the customized tree.

103. The article of manufacture of claim 92, wherein the method further comprises restricting access to the customized tree.

104. The article of manufacture of claim 92, wherein the method further comprises enabling customization of labels for objects in the customized tree.

105. The article of manufacture of claim 92, wherein the method further comprises providing graphical user interfaces for creating the customized tree and wherein the user input is received from one or more graphical user interfaces.